

REMARKS

Claims 1-19 are rejected in the Action under 35 U.S.C. §102(b) as being anticipated by Morita et al. (U.S. Patent No. 5,957,609) ("Morita"). Claims 1-8 and 17 are rejected under 35 U.S.C. §102(b) as being anticipated by Askew (U.S. Patent No. 538,492) ("Askew").

The position of the Office regarding Morita, as stated in the Action, is that Morita discloses a ballpoint pen tip comprising a writing ball 6, a check ball 10, an ink guide hole 4a, protrusions 4b and recesses 4c formed by channels, and an ink tube 4. The Office notes that, regarding claim 19, the claimed method is inherently performed during the normal fabrication of the Morita device.

The position of the Office regarding Askew, as stated in the Action, is that Askew discloses a ballpoint pen tip comprising a writing ball B, a check ball G, and an ink tube A.

Initially, applicants note that only the drawings of Askew are available as prior art. The text of Askew provided by the USPTO and the text that is available on the USPTO and EPO websites is that of Kendall, U.S. Patent No. 538,522. Therefore, the Office has no basis for rejecting claim 17, which recites an ink-containing tube containing gel ink, based on the Askew reference.

Referring to the Morita and Askew references, both references show a writing ball and a "check ball" provided in a ballpoint pen tip. However, in Morita, a pressing means 12 presses against an evading member 10 such that the evading member 10 is always in contact with the writing ball 6 (see Fig. 2). In Askew, the smaller ball G is pushed by spring H to always contact the larger ball B (see Figs. 2 and 4).

Original claims 1 and 17 recite that the writing ball and check ball are placed close to each other with a "slight clearance" therebetween. No clearance is provided between the writing ball and the check ball in Morita and Askew and the Office has not explained how Morita and Askew meet this limitation. However, to ensure that the requirement for a clearance between the writing ball and the check ball is given proper weight, claims 1 and 17 have been amended to recite that the writing ball and check ball are placed close to each other with a clearance therebetween, the clearance being such that the check ball moves away from and separates from the writing ball when a tip end of the ballpoint pen tip is directed upward and moves toward and comes into contact with the writing ball when the tip end of the ballpoint pen tip is directed downward. Support for this amendment is found in the

description in the specification on page 17, line 16, to page 18, line 11.

Each of Morita and Askew is insufficient to support a case of anticipation of claims 1 and 17 and the claims that depend thereon under 35 U.S.C. § 102. Removal of the 35 U.S.C. § 102 rejections is in order.

Regarding claim 19, the Office states in the Action that the claimed method is inherently performed during the normal fabrication of the Morita device. The Office has not supported its position with proper reasoning or evidence. For this reason, the rejection is improper and should be removed.

However, to ensure that proper weight is given to the limitations recited in claim 19, claim 19 has been amended to recite that method of manufacturing a ballpoint pen tip according to the present invention comprises the steps of:

cutting an ink guide hole for guiding ink;

cutting channels in an inner peripheral surface of the ink guide hole;

incompletely removing channel burrs caused when the channels are cut, to form a protrusion and a recess from traces of the burrs;

inserting a check ball into a part of the ink guide hole where the channels are cut; and

inserting a writing ball on the tip end side of the check ball.

Support for the amendments to claim 19 is found in the specification of the present application on page 19, line 19, to page 20, line 6.

The steps recited in claim 19 are neither disclosed or suggested by Morita. Morita, therefore, is also insufficient to support anticipation of claim 19 under 35 U.S.C. § 102. Removal of the rejection of claim 19 over Morita is in order.

The foregoing is believed to be a complete and proper response to the Office Action dated July 14, 2004, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

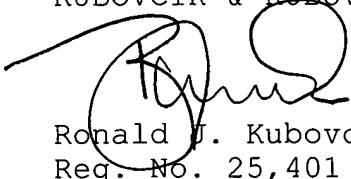
In the event that this paper is not considered to be timely filed, applicant(s) hereby petition(s) for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

PATENT APPLN. NO. 10/687,831
RESPONSE UNDER 37 C.F.R. §1.111

**PATENT
NON-FINAL**

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,
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